

ORIGINAL

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

RECEIVED

DOCKET FILE COPY ORIGINAL

MAY 21 1999

In the Matter of

FEDERAL COMMUNICATIONS COMMISSION

OFFICE OF THE SECRETARY

Rulemaking to Amend Parts 1, 2, 21, and 25

CC Docket No. 92-297

of the Commission's Rules to Redesignate

the 27.5-29.5 GHz Frequency Band, to

Reallocate the 29.5-30.0 GHz Frequency Band,

to Establish Rules and Policies for Local

Multipoint Distribution Service and for

Fixed Satellite Services

Assignment of Orbital Locations

to Space Stations in the Ka-band

PETITION FOR EXPEDITED ACTION

PEGASUS DEVELOPMENT CORPORATION

Bruce D. Jacobs

Stephen J. Berman

David S. Konczal

Fisher Wayland Cooper Leader

& Zaragoza L.L.P.

2001 Pennsylvania Ave., N.W.

Suite 400

Washington, D.C. 20006

(202) 659-3494

May 21, 1999

No. of Copies rec'd

List A B C D E

0+9

Summary

Pegasus Development Corporation (“Pegasus”) hereby urges the Commission to take certain actions in connection with the second-round Ka-band geostationary Fixed Satellite Service application process that will benefit the public interest by speeding the delivery of services and promoting competition. Pegasus’ parent corporation currently provides satellite services to over a half-million residential customers mostly in rural America. Pegasus wants an authorization from the Commission so that it can develop its own Ka-band satellite system to provide two-way broadband services to these customers and others.

There are currently only five full-CONUS orbital locations unassigned after the first Ka-band processing round. It is critical that the Commission act soon to enforce and clarify its rules and establish new rules that will help to eliminate the deadlock that is otherwise likely to continue among the second-round applicants seeking CONUS orbital locations. By taking appropriate action, it should be possible for each qualified new entrant to obtain at least one full-CONUS orbital location, thereby facilitating a settlement among the current applicants.

The first group of actions urged by Pegasus is designed to prevent the warehousing of first round licenses, including twenty full-CONUS licenses. The Commission granted these licenses over two years ago, at a time when applicants claimed to have ambitious plans for Ka-band systems. It is apparent now that the vast majority of these plans have been put on hold.

Promote New Entrants by Applying Section 25.140(f). The Commission should issue a declaratory ruling indicating that it will apply Section 25.140(f) of its rules to requests for one or more full-CONUS orbital locations from first-round Ka-band licensees already licensed to operate in the full-CONUS arc.

Clarify Rights of First-Round Licensees that Have Difficulty with International Coordination. The Commission should declare that first-round licensees that are unable to coordinate the use of their orbital locations with foreign-licensed Ka-band systems will not be provided access to orbital locations currently available to second-round applicants.

Release Order on 93 ° W.L. and 103 ° W.L. Approximately seventeen months after the Commission reassigned the 93° W.L. and 103° W.L. full-CONUS orbital locations to first-round licensees who already had a surfeit of orbital locations, the Commission has not yet released its opinion explaining this decision. The Commission should issue this order immediately, either reversing its decision (in order to make more full-CONUS orbital locations available to new entrants) or at least providing affected parties an opportunity to challenge this decision.

Enforce Current Milestones and Consider Adopting New Milestones. The Commission should enforce its current milestones, finalize the licenses for the first-round entities so that the milestone requirements begin to apply to all of them, and consider establishing more stringent milestones for Ka-band GSO FSS licensees.

Another set of actions applies to issues raised by applicants that are participating for the first time in the second round.

Clarify Orbital Resources Available to Foreign-Licensed Systems. The Commission should clarify that foreign-licensed entities filing a Letter of Intent (“LOI”) pursuant to the *DISCO II* licensing framework will be considered qualified to participate in the processing round only to the extent that they can show that, at the time of their filing, they have official support from their sponsoring administration that is consistent with the orbital locations available in the processing round.

Preclude Use of Ka-band GSO FSS Spectrum for GSO MSS Feeder Links in CONUS

Arc. The Commission should not permit the use of Ka-band GSO FSS spectrum for GSO MSS feeder links in the CONUS arc. Such operations would be an inefficient use of Ka-band GSO FSS spectrum; such an operator would require its own exclusive GSO FSS orbital location to operate its feeder links over a small portion of GSO FSS frequencies, occupying scarce Ka-band spectrum and orbital resources that could otherwise be used to provide ubiquitous service to end-users. GSO MSS feeder links should instead be operated in other frequency bands.

Clarify the Status of Proposed Secondary Operations in the Current Processing Round.

The Commission should clarify that proposals to operate on a secondary, non-interference basis at Ka-band orbital locations licensed in the first round are outside the scope of the second-round application proceeding. The Commission should establish that applicants that only propose secondary operations at full-CONUS orbital locations licensed in the first round have no rights with respect to the full-CONUS orbital locations available to this current group of applicants. In addition, the Commission should clarify that entities permitted to operate on a secondary basis at first-round orbital locations would not automatically gain authority to operate on a primary basis at these orbital locations if a first-round licensee forfeits or returns its license.

Table of Contents

| | Page |
|---|------|
| Background | 2 |
| Discussion | 9 |
| I. The Commission Should Prevent Warehousing of First-Round Orbital Locations | 9 |
| A. The Commission Should Apply its Rules Limiting the Expansion of Already-Licensed Systems | 9 |
| B. The Commission Should Strictly Enforce its Milestone Requirements on First-Round Licensees | 12 |
| C. The Commission Should Make Clear That First-Round Licensees Unable to Coordinate the Use of Their Orbital Locations Will Not Be Provided Access to Orbital Locations Currently Available to Second-Round Applicants | 14 |
| D. The Commission Should Immediately Release Its Order Reassigning the 93° W.L. and 103° W.L. Orbital Locations | 14 |
| E. The Commission Should Consider Establishing More Stringent Milestone Requirements for Ka-band Licensees | 15 |
| II. The Commission Should Deny Applications Filed Pursuant to Letters of Intent If the Applications Exceed the Scope of Their Foreign Authorization | 16 |
| III. The Commission Should Preclude Use of Ka-band GSO FSS Spectrum for GSO MSS Feeder Links in the CONUS Arc | 18 |
| IV. The Commission Should Clarify The Status of Proposed Secondary Operations in the Second-Round Application Proceeding | 20 |
| Conclusion | 21 |

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

| | | |
|--|---|----------------------|
| In the Matter of |) | |
| |) | |
| Rulemaking to Amend Parts 1, 2, 21, and 25 |) | CC Docket No. 92-297 |
| of the Commission's Rules to Redesignate |) | |
| the 27.5-29.5 GHz Frequency Band, to |) | |
| Reallocate the 29.5-30.0 GHz Frequency Band, |) | |
| to Establish Rules and Policies for Local |) | |
| Multipoint Distribution Service and for |) | |
| Fixed Satellite Services |) | |
| |) | |
| Assignment of Orbital Locations |) | |
| to Space Stations in the Ka-band |) | |

PETITION FOR EXPEDITED ACTION

Pegasus Development Corporation ("Pegasus") hereby urges the Commission to take certain actions, in connection with the second-round Ka-band geostationary ("GSO") Fixed Satellite Service ("FSS") application process, that will benefit the public interest by speeding the delivery of services and promoting competition. With only five full-CONUS orbital locations available and seven second-round applicants seeking to operate in the full-CONUS arc, it is critical that the Commission act soon to enforce and clarify its rules and establish new rules that will help to eliminate this deadlock. With this approach, it should be possible for each qualified new entrant to obtain at least one full-CONUS orbital location, thereby facilitating a settlement among the current applicants. This result will speed the delivery of new services and promote competition.^{1/}

^{1/} Pegasus is simultaneously filing a Petition to Deny certain second-round Ka-band applications that is consistent with the proposals contained in the instant Petition. In general, Pegasus is asking the Commission, through rulemaking or adjudication, to take appropriate action to permit new entrants to go forward as quickly as possible with their proposed Ka-band systems.

Background

Pegasus. Pegasus has applied for authority to launch and operate a global Fixed-Satellite Service (“FSS”) system in the Ka-band. Pegasus’ parent corporation, Pegasus Communications Corporation (“Pegasus Communications”), currently provides satellite services to over a half-million residential customers mostly in rural America. Pegasus wants an authorization from the Commission so that it can develop its own Ka-band satellite system to provide two-way broadband services to these customers and others. Pegasus expects to provide a broad range of multimedia services, consisting primarily of wide-band, high-speed digital transmissions, to its existing multimedia subscribers as well as new customers. Pegasus Communications owns and operates five broadcast television stations and programs four other stations under time brokerage agreements. Pegasus Communications is the largest independent rural provider of the Broadcast Satellite Service (“BSS”) of DIRECTV®, one of the BSS licensees in the Ku-band, with the exclusive right to distribute DIRECTV® programming services to approximately 4.9 million rural U.S. households; including the effect of pending acquisitions, Pegasus currently serves more than 525,000 BSS subscribers in thirty-eight states. In addition, Pegasus Communications provides cable service to over fifty thousand subscribers in Puerto Rico. Pegasus Communications has a current market capitalization of approximately \$1.5 billion and enjoys annualized revenues of almost \$300 million.

Development of the Ka-band. During the mid-1990s, the Commission and the commercial satellite industry took the first steps towards commercial Fixed Satellite Services (“FSS”) operations in the Ka-band. NASA began operating a Ka-band satellite, ACTS, in 1993, and, after several companies filed applications for commercial systems in the band, the Commission issued a

public notice in 1995 establishing a filing window for additional Ka-band applications.^{2/} By the September 29, 1995 cut-off deadline, fifteen companies had filed applications to operate GSO FSS systems in the Ka-band.^{3/} These applications described a wide array of Ka-band satellite communications services, including Internet services, voice, data, and video, that they claimed would transform the telecommunications environment and enhance competition.^{4/}

On May 9, 1997, the Commission responded by authorizing fourteen of these applicants to launch and operate their proposed Ka-band systems.^{5/} Following industry consolidation, thirteen first-round Ka-band GSO FSS licensees, controlled by only ten entities, are licensed to operate at a total of forty-eight orbital locations.^{6/} Of these, twenty orbital locations from 71 ° W.L. to 121 °

^{2/} See Ka-band Satellite Applications Accepted for Filing: Cut-off Established for Additional Applications, Public Notice, Report No. SPB-20, DA 95-1689 (July 28, 1995).

^{3/} See Satellite Policy Branch Information: Ka-band Satellite Applications Accepted for Filing; Request for Comment on Ka-band Feeder Link Application, Public Notice, Report No. SPB-29, 10 FCC Rcd 13753 (1995).

^{4/} See, e.g., Application of Lockheed Martin Corporation for Authority to Construct, Launch and Operate a Global Ka-Band Communications Satellite System in Geostationary Orbit, at iii, v (September 28, 1995); Application of PanAmSat Licensee Corp. for Authority to Construct, Launch and Operate a Ka-Band Separate International Communications Satellite System, at Exhibit 2, § 1.3 (September 29, 1995).

^{5/} See, e.g., Order and Authorization, EchoStar Satellite Corporation, FCC File Nos. 167-SAT-P/LA-95, 168-SAT-P/LA-95, 54-SAT-AMEND-96 (May 9, 1997); Order and Authorization, GE American Communications, Inc., FCC File Nos. 169 through 173-SAT-P/LA-95, 54-SAT-AMEND-97 (May 9, 1997). AT&T withdrew its Ka-band application approximately one week before these authorizations were granted. See Letter from Mark C. Rosenblum, Vice President - Law & Public Policy, AT&T, to Peter Cowhey, Chief, International Bureau (May 1, 1997).

^{6/} In 1997, Hughes Communications, Inc. ("Hughes") acquired PanAmSat Corporation ("PanAmSat"), and in 1998, Loral Space & Communication Ltd. ("Loral") acquired Orion Network Systems, Inc. (now "Loral Orion Services, Inc."). See Hughes Communications, Inc., Order and Authorization, 12 FCC Rcd 7534 (1997); Loral Space & Communication Ltd., Order and Authorization, 1998 FCC LEXIS 1040 (1998). Hughes, a second-round Ka-band applicant, wholly owns Hughes Communications Galaxy, Inc., a first-round Ka-

(continued...)

W.L. provide coverage of all 48 lower states, the most valuable type of orbital location (providing virtually full-CONUS coverage at earth station elevations of 20 degrees or more).

On October 15, 1997, the Commission adopted licensing and service rules for Ka-band FSS systems.^{7/} The Commission chose to waive its rules limiting the number of orbital locations that can be assigned initially to any applicant in a given frequency band.^{8/} The Commission indicated, however, that this waiver would apply only to the first Ka-band processing round and would be addressed again in any subsequent Ka-band processing round.^{9/}

The Commission's milestone requirements for Ka-band licensees require licensees to begin construction of their first satellite within one year of authorization, and begin construction of the remainder of their satellites within two years of licensing.^{10/} Within five years of grant, these

^{6/}(...continued)

band licensee, and individually and together they are referred to as "Hughes" in this petition. In addition, the Ka-band licenses previously held by Orion Atlantic, L.P. and Orion Network Systems, Inc. have been assigned to Loral Orion Services, Inc. ("Loral Orion"). Loral controls these licenses, and also the license held by Loral Orion-Asia Pacific, Inc.

^{7/} Third Report and Order, Rulemaking to Amend Parts 1, 2, 21, and 25 of the Commission's Rules to Redesignate the 27.5-29.5 GHz Frequency Band, to Reallocate the 29.5-30.0 GHz Frequency Band, to Establish Rules and Policies for Local Multipoint Distribution Service and for Fixed Satellite Services, CC Docket No. 92-297, 12 FCC Rcd 22310 (1997) ("*Third Report and Order*"). See 47 C.F.R. § 25.145.

^{8/} Under the Commission's rules, space station applicants initially may be assigned no more than two orbital locations in a frequency band. 47 C.F.R. § 25.140(e).

^{9/} See, e.g., *Third Report and Order* at paras. 18, 24, 57.

^{10/} *Third Report and Order* at para. 61. "Begin construction," as previously determined by the Commission, means that the licensee must execute a non-contingent contract for construction of the satellite. See Memorandum Opinion and Order, Norris Satellite Communications, Inc., 10 CR 158 (1997) ("*Norris*"). In *Norris*, the Commission affirmed the International Bureau's finding that the licensee's failure to enter into a non-contingent satellite construction contract constituted non-compliance with the Commission's milestones. Specifically, Norris Satellite had entered into an agreement that did not

(continued...)

licensees must launch at least one satellite into each of their assigned orbital locations, and must launch the remainder of their satellites by the date required by the ITU (in this case, by November 2004).^{11/}

The Commission determined that its milestones would not be immediately applicable to those first-round Ka-band licensees proposing to use inter-satellite links ("ISLs") to interconnect satellites within their networks.^{12/} In May 1997, at the time of licensing, six Ka-band GSO FSS licensees proposed to use ISLs in their systems: EchoStar Satellite Corporation ("EchoStar"), Hughes, KaStar Satellite Communications Corp. ("KaStar"), Lockheed Martin Corporation ("Lockheed"), Loral, and Comm, Inc. ("Motorola"). Since that time, GE American Communications, Inc. ("GE Americom"), Loral Orion, and PanAmSat have also decided to incorporate ISLs into their satellite networks. Final ISL authorizations for these licensees are yet to be issued.^{13/}

^{10/}(...continued)

require the manufacturer to begin actual construction until an additional payment of \$2,800,000 was tendered. The Commission ruled that Norris Satellite's failure to meet its milestone rendered its authorization null and void, and the Commission reclaimed the company's licensed orbital locations. In doing so, the Commission pointed out that this license revocation was consistent with prior decisions. *See* Letters from Chief, Domestic Facilities Division, to Hughes Communications Galaxy, Inc. (June 7, 1990), to Ford Aerospace Satellite Services Corp. and Satellite Transponder Leasing Corp. (Jan. 21, 1987), and to Alascom, Inc. and National Exchange Satellite, Inc. (Feb. 16, 1990); *see also* National Exchange Satellite, Inc., 8 FCC Rcd 636 (1993).

^{11/} *Third Report and Order* at para. 61, n. 77.

^{12/} *Id.* at para. 55.

^{13/} Following the allocation of the 65-71 GHz band to ISL service at WRC-97, the Commission requested that each of the licensees proposing to use ISLs submit a new filing with the Commission describing their proposed ISL operations and frequency plan. *See, e.g.,* Letter from Thomas S. Tycz, Chief, Satellite and Radiocommunications Division, to David G. O'Neill, Counsel for KaStar Satellite Communications Corp. (June 10, 1998). On October 9, 1998, each of these Ka-band licensees submitted their own individual
(continued...)

With respect to international coordination, the Commission noted that, in coordinating U.S.-licensed systems with those of other administrations, it will follow the applicable coordination procedures set out in the ITU Radio Regulations.^{14/} The authorizations of the first-round licensees state that the licenses are subject to any terms and conditions required to successfully coordinate these U.S.-licensed systems with Ka-band systems licensed by foreign administrations and that the licensees are not protected from interference from foreign-licensed systems with which there is no coordination agreement.^{15/}

Second-Round Applications and the Orbital Location Shortage. On the same day it released the *Third Report and Order*, the Commission issued a public notice creating a second-round window for additional applications to launch and operate satellite systems in the Ka-band.^{16/} Overall, there are thirteen second-round applicants, controlled by eleven different entities, seeking authority for GSO FSS operations in the Ka-band. These applications include a Letter of Intent from Pacific Century Group ("PCG") and an application by Celsat for Ka-band feeder links to use

^{13/}(...continued)

filings, as well as a joint filing describing the coordination of their ISLs. *See, e.g.*, Letter from Karis A. Hastings, Counsel for GE American Communications, Inc., to Thomas S. Tycz, Chief, Satellite and Radiocommunications Division (October 9, 1998); First Round GSO Ka-band Licensees' Report to the FCC, Sharing of Various Frequency Bands Allocated to the Inter-satellite Service (October 9, 1998).

^{14/} *Id.* at para. 72.

^{15/} *See, e.g.*, Order and Authorization, KaStar Satellite Communications Corp., FCC File Nos. 128 SAT-P/LA-95, 203-SAT-P/LA-95, at para. 36 (May 9, 1997).

^{16/} Public Notice, Satellite Policy Branch Information: Satellite Applications Accepted for Filing in the 18.8-19.3/28.6-29.1 and 19.7-20.2/29.5-30 GHz Bands; Cut-off Established for Additional Applications in the 18.8-19.3 and 28.6-29.1 GHz Bands, Report No. SPB-105 (October 15, 1997).

with the 2 GHz Mobile Satellite Service application that is pending.^{17/} These applications were placed on public notice on March 16, 1999.^{18/}

The following chart describes the current status of the first-round and second-round licensing. Among other things, it shows that only five full-CONUS orbital locations are now available to the second-round applicants, and that seven second-round applicants propose new full-CONUS operations at a total of ten orbital locations.^{19/}

Roughly half of the second-round GSO FSS applicants are first-round licensees which are already authorized to operate from full-CONUS orbital locations. Hughes/PanAmSat, KaStar/KaStarcom, Lockheed, Loral Orion, and Motorola, all of which control first-round licensees and second-round applicants, are together licensed to operate at fourteen full-CONUS orbital locations.^{20/} In particular, Hughes and PanAmSat, now affiliates, are already licensed to operate at three full-CONUS orbital locations, and Hughes has filed a second-round application requesting an additional full-CONUS orbital location. Similarly, Lockheed is already authorized to operate at one full-CONUS orbital location, yet it seeks authority to operate satellites at an additional full-CONUS orbital location.

To resolve second-round applicants' mutually exclusive claims, the second-round

^{17/} The following applicants filed second-round Ka-band applications that seek new orbital locations: CAI Data Systems, Inc.; Celsat America, Inc.; DirectCom Networks, Inc.; Hughes; KaStarcom World Satellite LLC ("KaStarcom"); Lockheed; Loral Orion; Loral Orion Asia-Pacific, Inc.; Motorola; PCG; PanAmSat; Pegasus; and TRW Inc. ("TRW").

^{18/} See Satellite Policy Branch Information: Ka-band Satellite Applications Accepted for Filing, Public Notice, Report No. SAT-00012 (March 16, 1999).

^{19/} For the purposes of this chart, Pegasus lists the licensed and requested orbital locations associated with each controlling entity in this band.

^{20/} KaStarcom and the first-round licensee KaStar Satellite Communications Corp. ("KaStar") have common ownership, and should be considered the same entity for the purposes of Ka-band licensing policy.

KA-BAND ORBITAL SLOTS

(Full CONUS orbital slots in parenthesis)

| | 1st round Licensed | 2nd round Applied for |
|-----------------|-----------------------|-----------------------------------|
| EchoStar | 2 (2) | |
| GE American | 5 (2) | |
| Hughes/PanAmSat | 16 (3) | 10 (1) |
| KaStar | 2 (2) | 2 |
| Lockheed Martin | 5 (1) | 5 (1) |
| Loral | 8 (4) | 2 |
| Motorola | 4 (4) | 5 |
| Morning Star | 4 | |
| NetSat 28 | 1 (1) | |
| VisionStar | 1 (1) | |
| — | | |
| CAI Data | | 1 (1) |
| Celsat | | 1 (1) |
| DirectCom | | 2 (2) |
| Pacific Century | | 2 (2) |
| Pegasus | | 5 (2) |
| TRW | | 1 |
| Totals | 48 (20) | 36 (10) |
| | | (5 full CONUS slots available) |

applicants initiated negotiations in November 1998 in an effort to reach a consensus agreement on orbital location assignments. The most recent meeting between the second-round applicants took place on February 5, 1999. Negotiations have not resolved the problem of mutual exclusivity in the full-CONUS arc. This lack of progress adversely affects the outcome of negotiations involving non-CONUS orbital locations.

The Commission's Order on 93 ° W.L. and 103 ° W.L. Two of the full-CONUS orbital locations licensed to first round licensees, 93 ° W.L. and 103 ° W.L., appeared available to second round applicants at the time of the public notice for second-round applications. The first-round applicants agreed through negotiation that these orbital locations should be assigned to AT&T, but these orbital locations were returned by AT&T to the Commission when it withdrew its Ka-band application on May 1, 1997.^{21/} Several parties, including Pegasus, prepared second-round applications assuming the availability of 93 ° W.L. and 103 ° W.L. and requested authority to operate at those orbital locations. On the day the second-round applications were due, however, the Commission released an order reassigning 93 ° W.L. to Loral and 103 ° W.L. to PanAmSat.^{22/} This order revised the Ka-band assignment plan without explanation and indicated that the Commission would release an opinion within 30 days that would both "se[t] forth the reasons for adopting these reassignments" and trigger the opportunity for an appeal of this decision. Approximately fifteen months later, the Commission has not issued this opinion.

^{21/} See Letter from Mark C. Rosenblum, Vice President - Law & Public Policy, AT&T, to Peter Cowhey, Chief, International Bureau (May 1, 1997).

^{22/} See FCC Daily Digest, Vol. 16, No. 245 (December 22, 1997) (announcing release of order reassigning Ka-band orbital locations); Order, Assignment of Orbital Locations to Space Stations in the Ka-band, 12 FCC Rcd 22004 (Int'l Bur. 1997).

Discussion

The Commission should act soon to enforce and clarify its rules and establish new rules that will help to eliminate the deadlock that is otherwise likely to continue. If the Commission adopts this approach, it should be possible for each qualified new entrant to obtain at least one full-CONUS orbital location. By taking action consistent with this petition, the Commission will facilitate a settlement among the current applicants, speeding the delivery of new services and promoting competition.

I. The Commission Should Prevent Warehousing of First-Round Orbital Locations

Over two years following the initial licensing of Ka-band systems, accompanied by great enthusiasm for their transformational potential, it is apparent that the vast majority of such systems are languishing. The Commission granted authorizations for twenty full-CONUS orbital locations, but the licensees are permitted to simply hold on to these orbital locations without any real investment, at little or no cost to themselves for up to five years before it is apparent that they have not developed this valuable resource. This warehousing prevents other parties, such as Pegasus, with fresh business plans and unique, customer-driven needs, from obtaining their own orbital resources and developing their own satellite systems.^{23/}

To prevent this warehousing of first-round authorizations, Pegasus urges the Commission to take the following actions:

A. The Commission Should Apply its Rules Limiting the Expansion of Already-Licensed Systems

The Commission's rules preclude further orbital location assignments to a licensee in a

^{23/} Given the absence of regulatory disincentives for first-round licensees to warehouse their orbital locations, the shortage of full-CONUS orbital locations available to second-round applicants is more likely the result of the business strategies of existing licensees than a genuine excess of licensee demand for this resource.

given frequency band if that licensee already has three or more unused orbital locations in that band. 47 C.F.R. § 25.140(f). The underlying purposes of this rule are to “avoid prematurely assigning an excessive number of orbital locations to an existing licensee for expansion of its system” and to “prevent applicants from warehousing orbital assignments and blocking new entry by qualified companies at a later date.”^{24/}

Strict application of this limit would preclude grant of any additional orbital locations to first-round licensees with three or more unused orbital locations. Pegasus understands the orbital needs of global systems, however, and does not believe that the Commission should frustrate the development of these systems by applying Section 25.140(f) to every orbital location requested by these licensees.^{25/} Instead, enforcement of this rule should focus on the CONUS arc, where there

^{24/} Report and Order, Licensing Space Stations in the Domestic Fixed-Satellite Service, 50 Fed. Reg. 36071, para. 20 (1985); Memorandum Opinion and Order, Licensing Space Stations in the Domestic Fixed-Satellite Service, 1 FCC Rcd 682, para. 21 (1986).

In several instances, the Commission has denied space station applications on the basis of its system expansion rules. *See* American Satellite Company, 103 FCC 2d 542 (1985) (denying licensee’s request to launch and operate one of two additional hybrid C-/Ku-band satellites); Alascom, Inc., 103 FCC 2d 527 (1985) (denying licensee’s request to launch and operate one of two additional C-band satellites, on basis that a grant would result in excessive spare capacity for its system); RCA American Communications, Inc. 103 FCC 2d 852 (1985) (denying licensee’s request to launch and operate two additional C-band satellites); AT&T Corp., 11 FCC Rcd 15038 (1996) (denying licensee’s request to launch and operate one of two additional hybrid C-/Ku-band satellites).

^{25/} As another means of fostering the development of global Ka-band systems, the Commission in the second round should waive Section 25.140(e) of its rules, which limits space station applicants to two initial orbital location assignments in a given frequency band. 47 C.F.R. § 25.140(e). The Commission waived this limit on initial orbital location assignments in the first round, pointing out that many Ka-band applicants proposed to serve geographic areas around the world and required a greater number of orbital locations. Third Report and Order, Rulemaking to Amend Parts 1, 2, 21, and 25 of the Commission’s Rules to Redesignate the 27.5-29.5 GHz Frequency Band, to Reallocate the 29.5-30.0 GHz Frequency Band, to Establish Rules and Policies for Local Multipoint Distribution Service and for Fixed Satellite Services, CC Docket No. 92-297, 12 FCC Rcd (continued...)

is a shortage of available orbital locations. In particular, the Commission should apply Section 25.140(f) to requests for one or more full-CONUS orbital locations from first-round licensees already licensed to operate in the full-CONUS arc.

Application of the Section 25.140(f) limits as described above would be an important step toward resolving the mutual exclusivity among second-round Ka-band applicants. Many of the first-round Ka-band licensees already have access to the orbital resources necessary to move forward with the development of their satellite systems. By limiting the demands of these first-round licensees in the CONUS arc and effectively giving new entrants priority in the selection of CONUS orbital locations, the Commission would facilitate a second-round agreement on orbital locations, thereby speeding the delivery of new services and promoting competition.

Application of this system expansion rule would be consistent with the Commission's traditional licensing policy for space stations. In prior FSS processing rounds in the C-band and Ku-band, the Commission has repeatedly stated its intent to afford new entrants, when possible, at least one initial orbital location in the portion of the orbital arc that allows them to provide maximum quality service to all 50 states.^{25/} This remains an appropriate policy goal, as achieving full coverage of the United States from the outset is critical to the financial viability of a U.S.-based Ka-band GSO FSS system; revenues from early service in the United States, the world's

^{25/}(...continued)

22310, at para. 24 (1997) ("*Third Report and Order*"). Pegasus and other new entrants in the second round deserve a similar opportunity to develop global FSS systems.

^{26/} See Assignment of Orbital Locations to Space Stations in the Domestic Fixed-Satellite Service, 84 FCC 2d 584, 604-05 (1981); Assignment of Orbital Locations to Space Stations in the Domestic Fixed-Satellite Service, 50 Fed. Reg. 35228, para. 7 (1985); Assignment of Orbital Locations to Space Stations in the Domestic Fixed-Satellite Service, 3 FCC Rcd 6972, 6972 (1988); Assignment of Orbital Locations to Space Stations in the Domestic Fixed-Satellite Service, 11 FCC Rcd 13788, 13790 (1996)

most lucrative media market, are key to financing the construction and launch of additional satellites as a licensee builds out its global Ka-band satellite network. If a licensee has to launch two or more partial CONUS satellites to obtain such coverage, the initiation of operations might entail a prohibitive up-front cost. In addition, a full-CONUS orbital location would provide new entrants with higher elevation angles, higher quality service, and a higher penetration rate amongst consumers throughout the United States.

Pegasus' views on orbital location assignments are consistent with a key orbital assignment "principle" that Lockheed enunciated during the first-round Ka-band proceeding. Lockheed's "Principle 1" in orbital location policy was that "[i]n regions of the geostationary arc where crowding exists, the Commission should ensure that each applicant that originally applied for a orbital location in that region obtains at least one orbital location that meets its requirements before assigning multiple orbital locations in that region to a single applicant."^{27/}

Pegasus' views are also consistent with those of Hughes, which argued in the first round that the Commission should apply its rules in a manner that would limit each Ka-band applicant to no more than two orbital locations in the CONUS arc. Hughes stated that the Commission should adopt this policy "especially in view of the large number of Ka-band satellites that have been proposed in the present processing round."^{28/}

^{27/} Comments of Lockheed Martin Corporation (December 15, 1995), at ii, 15.

^{28/} Consolidated Petitions to Dismiss or Deny and Comments of Hughes Communications Galaxy, Inc. (December 15, 1997), at 25.

B. The Commission Should Strictly Enforce Its Milestone Requirements on First-Round Licensees

The Commission should make clear now to the first-round Ka-band licensees that it will strictly enforce its existing milestone requirements.^{29/} The Commission should immediately inform any non-compliant licensees that they have failed to demonstrate that they have entered into non-contingent satellite contracts, and that if they do not comply with the milestone requirement within thirty days, their authorizations will be revoked and their licensed orbital locations will be returned to the Commission and made available to the second-round Ka-band applicants.^{30/} If any remaining licensees fail to meet the second-year milestone that tolls at the end of May 1999, the Commission should move quickly to enforce this requirement. Specifically, the Commission should inform any non-compliant licensee by July 31, 1999 that if it does not meet the second-year milestone within thirty days of such notification, its authorization will be revoked, with its orbital location(s) returned to the Commission and made available to second-round applicants. Such action would be consistent with the Commission's policy against extending construction periods, which the Commission has found to indefinitely foreclose entry by new service providers.^{31/}

^{29/} Pegasus recognizes that the Commission has not yet resolved its allocation of downlink spectrum to GSO FSS. In addition, as Morning Star notes in its annual report, the Commission has not yet established rules for blanket licensing of earth stations. *See* Notice of Proposed Rulemaking, IB Docket No. 98-172 (September 18, 1998). To speed the development of the Ka-band, Pegasus urges the Commission to expeditiously finalize both its Ka-band FSS downlink allocation and its blanket licensing rules for this band. The pending status of the Ka-band rulemaking proceeding, however, does not excuse the failure of these first-round licensees to meet the Commission's milestones. As the Commission found in *Norris*, the grant of a license confers certain statutory rights designed to provide the necessary level of certainty to allow systems to progress. 11 FCC Rcd at 5402.

^{30/} In the *Norris* proceeding, the Commission gave Norris Satellite thirty days from notification to demonstrate that it complied with the Commission's milestone requirement. *Norris*, 11 FCC Rcd at 5402.

^{31/} *See* Amendment of the Commission's Rules to Establish Rules and Policies Pertaining to a
(continued...)

The Commission should also move quickly to make its milestone requirements applicable to the first round licensees proposing to use ISLs. These licensees submitted their revised ISL proposals over six months ago. To make enforcement of its milestones more effective, the Commission should require these ISL licensees to certify compliance by the true one-year and two-year deadlines, rather than in their June 30 annual reports, which could be several months after those deadlines.

C. The Commission Should Make Clear That First-Round Licensees Unable to Coordinate the Use of Their Orbital Locations Will Not Be Provided Access to Orbital Locations Currently Available to Second-Round Applicants

As described above, the Commission did not guarantee first-round licensees protection from interference from foreign-licensed systems with which there is no coordination agreement.^{32/} In fact, there are Ka-band systems licensed by foreign administrations to operate at orbital locations now licensed to first-round licensees in the United States. Pegasus urges the Commission to make clear in a declaratory ruling that first-round licensees that are unable to coordinate the use of their orbital locations with foreign-licensed Ka-band systems will not be permitted to take priority over second-round applicants or second-round licensees. Such a policy will help provide needed stability to the second-round licensing process and to the development of second-round systems.

^{31/}(...continued)

Mobile Satellite Service in the 1610-1626.5/2483.5-2500 MHz Frequency Band, 11 FCC Rcd 12861 (1996).

^{32/} See note 15, *supra*.

D. The Commission Should Immediately Release Its Order Reassigning the 93° W.L. W and 103° W.L. Orbital Locations

As indicated above, it has been approximately seventeen months since the Commission reassigned the 93° W.L. and 103° W.L. orbital locations and promised to issue its opinion explaining this decision within thirty days. The Commission has not yet released this opinion. Pegasus urges the Commission to release this order immediately, to give affected parties an opportunity to challenge this decision if appropriate. Final clarification of the available orbital locations will help the second-round applicants to finalize their business plans and simplify the orbital location negotiations between the second-round applicants.^{33/}

E. The Commission Should Consider Establishing More Stringent Milestone Requirements for Ka-band Licensees

As described above, the Commission's existing Ka-band milestones require only that a licensee show within one year of licensing that it has executed a non-contingent construction contract for its first satellite, and within two years that it has executed such a contract for the remainder of its satellites. These requirements, unfortunately, do not require a licensee to begin actual physical construction or make financial expenditures pursuant to that physical construction. The Commission should consider taking new, more aggressive steps to ensure the full utilization of the Ka-band spectrum resource and prevent first-round licensees from warehousing any of their licensed orbital locations. To combat this problem, Pegasus urges the Commission to conduct a rulemaking to establish more stringent milestones for the first-round Ka-band licensees.

^{33/} Pegasus believes that the Commission should ultimately reverse its December 1997 order and make the 93° W.L. and 103° W.L. orbital locations available to the second-round applicants. The assignment of these orbital locations to Loral and PanAmSat further concentrated the distribution of critical full-CONUS orbital locations. By making these orbital locations available to second-round applicants instead, the Commission would promote greater competition and opportunities for new entrants in the highly consolidated U.S. satellite communications industry.

II. The Commission Should Deny Applications Filed Pursuant to Letters of Intent If the Applications Exceed the Scope of Their Foreign Authorization

In *DISCO II*, the Commission established procedures through which non-U.S. satellite systems can access the U.S. market.^{34/} The Commission determined that a foreign entity is eligible to participate in a U.S. satellite application processing round by filing a Letter of Intent (“LOI”) if (i) it has satellites already in-orbit and operating, (ii) it has a license from a non-U.S. administration, or (iii) it has been submitted for coordination to the International Telecommunication Union (“ITU”). See 47 C.F.R. § 25.137(c); *DISCO II* at paras. 184-85, 196. If a non-U.S. entity satisfying the Commission’s Section 25.137(c) criteria files an LOI by the processing round cut-off deadline, the Commission considers this LOI together with any applications for U.S.-licensed satellites that are properly filed. *DISCO II* at para. 185. If the Commission grants a foreign entity access to the U.S. market, the Commission assigns this entity a “reservation” or “designation” of frequencies or orbital locations that precludes the licensing of any U.S. entity at those frequencies or orbital locations. *Id.* The non-U.S. entity can later apply for earth station licenses that would enable it to provide service in the U.S. through its satellite system. *Id.* at para. 184.

The participation of non-U.S. entities in Commission processing rounds pursuant to an LOI is limited to the scope of the system’s support from the sponsoring foreign administration, including any ITU coordination filings made by the foreign administration. Accordingly, a foreign entity is eligible to participate in a given processing round only if orbital locations for which that

^{34/} Report and Order, Amendment of the Commission’s Regulatory Policies to Allow Non-U.S. Licensed Space Stations to Provide Domestic and International Service in the United States, IB Docket No. 96-111, CC Docket 93-23, 12 FCC Rcd 24094, paras. 183-88 (1997) (“*DISCO II*”). In addition, an existing non-U.S. satellite operator can seek access to the U.S. market by filing an earth station application independent of any Commission processing round. *DISCO II* at paras. 186-87.

applicant has official support from its sponsoring administration (through licensing or ITU filings) are available for licensing in the United States.

This limit on the participation of foreign entities in U.S. processing rounds is sound and equitable policy. Without this restriction, an applicant that submits an LOI would be exceeding the scope of the authority that it has from its sponsoring administration, and may be using the U.S. licensing process to gain access to greater orbital resources than justified by its foreign authorization or foreign coordination submission. In the extreme, a foreign entity could abuse such a licensing process by parlaying a single foreign-sponsored orbital location anywhere in the geostationary arc into multiple full-CONUS orbital location reservations that would have actually been opposed by its sponsoring administration. Moreover, such an applicant, if it obtains U.S. authority (and U.S. ITU-date priority) for operations at orbital locations other than its foreign-licensed or foreign-coordinated orbital locations, would presumably retain its rights at its original orbital locations, including ITU-date priority. This policy would put LOI applicants into a better bargaining position than any U.S.-licensed entity.

III. The Commission Should Preclude Use of Ka-band GSO FSS Spectrum for GSO MSS Feeder Links in the CONUS Arc

The Commission should prohibit any use of Ka-band GSO FSS spectrum in the CONUS Arc for the operation of feeder links. The Commission has previously precluded use of the FSS C- and Ku-bands, which are heavily utilized for conventional service to customers, for Mobile Satellite Service (“MSS”) feeder links in the domestic orbital arc. The Commission has found that domestic feeder links in these bands would reduce the amount of spectrum available for conventional FSS, and would be an inefficient use of the geostationary orbital resource and FSS

spectrum.^{35/} As a result, the Commission has required that MSS feeder links be operated outside the CONUS arc or in other frequency bands.

In its recent 2 GHz rulemaking, however, the Commission tentatively concluded that the GSO FSS spectrum in the Ka-band can be used to accommodate the request of Celsat America, Inc. (“Celsat”) for domestic GSO MSS feeder links.^{36/} At the same time, the Commission noted that many of the CONUS orbital locations in the Ka-band have already been assigned and that Celsat might find it difficult to obtain its proposed spectrum and full-CONUS orbital location. The Commission requested comment on its tentative finding, and asked if its policy prohibiting feeder link use of the conventional C- and Ku-band allocations within the domestic arc instead should be applied to Ka-band GSO feeder link requests.^{37/}

Pegasus urges the Commission to depart from its tentative ruling and prohibit GSO MSS feeder link operations from GSO FSS spectrum in the Ka-band.^{38/} As in the service-intensive C-

^{35/} See Notice of Proposed Rulemaking, Establishment of Policies and Service Rules for the Mobile Satellite Service in the 2 GHz Band, 1999 FCC LEXIS 1217, IB Docket No. 99-81; RM-9328, para. 52 (March 25, 1999) (“2 GHz NPRM”); Memorandum Opinion, Order and Authorization, Notice of Proposed Rulemaking, Amendment of Parts 2, 22, and 25, of the Commission’s Rules to Allocate Spectrum for and to Establish Other Rules and Policies Pertaining to the Use of Radio Frequencies in a Land Mobile Satellite Service for the Provision of Various Common Carrier Services, GEN Docket No. 84-1234, 4 FCC Rcd 6041, 6050 (1989).

^{36/} 2 GHz NPRM at para. 64.

^{37/} *Id.* As an initial matter, Celsat is not and may never be licensed to provide service in the 2 GHz band, and the Commission should not permit speculative feeder link requests associated with unlicensed systems to complicate the difficult second-round Ka-band licensing process.

^{38/} The Commission has already licensed Iridium in the Ka-band to operate feeder links for its Big LEO system, and Pegasus does not ask for reconsideration of the NGSO MSS feeder link allocation in the Ka-band or oppose additional applications to use this spectrum for NGSO feeder links. See 47 C.F.R. § 25.250; Rulemaking to Amend Parts 1, 2, 21, and 25 of the Commission’s Rules to Redesignate the 27.5-29.5 GHz Frequency Band, to

(continued...)

and Ku-bands, such feeder link operations would be an inefficient use of Ka-band GSO FSS spectrum.^{39/} While there are no GSO FSS systems operating in the Ka-band at the present time, there likely will be substantial CONUS use of the GSO FSS bands within the next five to ten years. Moreover, operators of MSS feeder links in GSO FSS spectrum would need their own orbital locations, since they would be unable to share orbital locations with GSO FSS operators providing ubiquitous service to end-users throughout their allocated spectrum. The exclusive use of a GSO FSS orbital location for MSS feeder links would be particularly wasteful of Ka-band resources.

There are other frequency bands that are available for GSO MSS feeder link operations.^{40/} Specifically, Celsat or others could operate these links in the extended C-band, as Inmarsat proposes to do in its 2 GHz system, or in the Ku-band outside the conventional Ku-band GSO FSS allocation, as proposed by TMI in its 2 GHz application.^{41/} The simplest solution for GSO

^{38/}(...continued)

Reallocate the 29.5-30.0 GHz Frequency Band, to Establish Rules and Policies for Local Multipoint Distribution Service and for Fixed Satellite Services, 11 FCC Rcd 19005 (1996). Pegasus opposes GSO MSS feeder links in the Ka-band in the CONUS arc, because such operations require the use of scarce CONUS orbital slots.

^{39/} Pegasus believes that Celsat's feeder links may require only a small fraction of the 850 MHz that it has requested and that, as a result, its feeder link operations would be an extremely inefficient use of a full-CONUS orbital location in the Ka-band GSO FSS spectrum. The amount of feeder link spectrum required by Celsat depends on the amount of S-band spectrum that Celsat can coordinate.

^{40/} It is not clear whether Celsat could operate its proposed MSS system, including its feeder links, from an orbital location outside the full-CONUS arc. Due to the shortage of full-CONUS orbital locations in the second round, however, orbital locations that offer partial CONUS coverage are also likely to be useful and important to second-round applicants, and Pegasus therefore believes that such partial CONUS orbital locations should only be assigned to GSO FSS systems providing ubiquitous service to end-users.

^{41/} See 2 GHz NPRM at paras. 58, 61. Celsat is the only GSO MSS applicant in the 2 GHz proceeding to propose feeder links in the Ka-band. *Id.* at para. 64.

MSS feeder link operators, however, would be to use Ka-band spectrum allocated to terrestrial systems or NGSO feeder link operations that require only limited earth station deployment. In particular, Celsat already proposes to operate its feeder uplinks in frequencies allocated to LMDS,^{42/} and Pegasus sees no reason why Celsat and other GSO MSS feeder link operators cannot also operate their feeder downlinks in primary FS spectrum.^{43/} Whichever band is utilized, by operating outside GSO FSS spectrum, Celsat or others would have much greater flexibility in the selection of orbital locations.

IV. The Commission Should Clarify The Status of Proposed Secondary Operations in the Second-Round Application Proceeding

TRW has filed an amendment to its pending application in the V-band processing round, proposing to operate V-band GSO FSS satellites in the Ka-band also.^{44/} Three of TRW's four proposed Ka-band orbital locations are already licensed to first-round licensees, and TRW proposes to operate on a secondary, non-interference basis at these orbital locations. Accordingly, the Commission should now clarify the status of such proposed secondary operations in the second-round application proceeding.

Specifically, the Commission should clarify that proposals to operate on a secondary, non-interference basis at Ka-band orbital locations licensed in the first round are outside the scope of

^{42/} Celsat Amendment to Application, Supplement to Appendix H, AP4-2K-A2.

^{43/} The Commission should, however, preclude Celsat or any other GSO MSS feeder link operator from operating in the 17.7-17.8 GHz band segment. While the Commission's *Allocation NPRM* band plan would initially allocate this spectrum to the FS on a primary basis, the *Allocation NPRM* proposes to allocate this band segment to the Broadcast Satellite Service ("BSS") by 2007. See *Allocation NPRM* at paras. 72-74. Operation of GSO MSS feeder links would be incompatible with the provision of a ubiquitous BSS service at 17.7-17.8 GHz.

^{44/} See Application of TRW Inc. for Authority to Launch and Operate TRW Global EHF Satellite Network, FCC File No. 112-SAT-P/LA-97(15) (September 4, 1997).

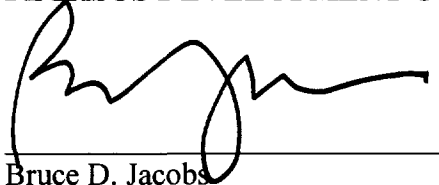
the second-round application proceeding. The Commission should establish that applicants that only propose secondary operations at full-CONUS orbital locations licensed in the first round have no rights with respect to full-CONUS orbital locations available in the second round. In addition, the Commission should clarify that entities permitted to operate on a secondary basis at first-round orbital locations would not automatically gain authority to operate on a primary basis at these orbital locations if a first-round licensee forfeits or returns its license. In order to effect such a major change, any such entity should have to apply for approval from the Commission and the Commission should provide other potential operators with an opportunity to file competing applications.

Conclusion

For the aforementioned reasons, Pegasus urges the Commission to take the steps described herein.

Respectfully submitted,

PEGASUS DEVELOPMENT CORP.

A handwritten signature in black ink, appearing to read 'Bruce D. Jacobs', is written over a horizontal line.

Bruce D. Jacobs
Stephen J. Berman
David S. Konczal
Fisher Wayland Cooper
Leader & Zaragoza L.L.P.
Suite 400
2001 Pennsylvania Ave., N.W.
Washington, D.C. 20006
(202) 659-3494

May 21, 1999

CERTIFICATE OF SERVICE

I, Elinor McCormick, do hereby certify that I have on this 21st day of May, 1999, mailed by first-class United States mail, postage prepaid, copies of the foregoing **"PETITION FOR EXPEDITED ACTION"** to the following:

James Troup, Esq.
Arter & Hadden LLP
1801 K Street, N.W., Suite 400K
Washington, DC 20006

Timothy J. Santora
President
CAI Data Systems, Inc.
18 Corporate Woods Boulevard
Third Floor
Albany, NY 12211

Thomas J. Keller, Esq.
Julian Shepard, Esq.
Verner, Liipfert, Bernhard, McPherson and
Hand, Chartered
901 15th Street, N.W., Suite 700
Washington, DC 20005

Richard H. Shay, Esquire
Vice President of Corporate and
Legal Affairs
Loral Orion-Asia Pacific, Inc.
2440 Research Boulevard, Suite 400
Rockville, MD 20850

Norman P. Leventhal, Esq.
Stephen D. Baruch, Esq.
Leventhal, Senter & Lerman
2000 K Street, NW, Suite 600
Washington, DC 20006-1809

Timothy W. Hannemann
TRW Inc.
One Space Park
Redondo Beach, CA 90278

Brian D. Weimer, Esq.
Skadden Arps Slate Meagher & Flom LLP
1440 New York Avenue, N.W.
Washington, DC 20005

David D. Otten
Celsat America, Inc.
3460 Torrance Boulevard
Suite 220
Torrance, CA 90503

Gary P. Epstein, Esq.
John P. Janka, Esq.
Arthur S. Landerholm, Esq.
Latham & Watkins
1001 Pennsylvania Avenue, N.W.
Suite 1300
Washington, DC 20004

Frank Taormina, President
Hughes Communications, Inc.
1500 Hughes Way
Long Beach, CA 90810

Raymond G. Bender, Jr., Esq.
Carlos M. Nalda, Esq.
Dow Lohnes & Albertson PLLC
1200 New Hampshire Avenue, N.W.
Suite 800
Washington, DC 20036

Gerald Musarra
Jennifer A. Warren
Space and Strategic Missiles Sector
Lockheed Martin Corporation
1725 Jefferson Davis Highway
Arlington, VA 22202-4127

John Hane, Esquire
Lockheed Martin Telecommunications
12350 Pinecrest Road
Reston, VA 20191

Todd M. Stansbury, Esq.
Wiley Rein & Fielding
1776 K Street, NW
Washington, DC 20006

Gary Howard
President
Toby A. DeWeese
DirectCom Networks, Inc.
7140 South Lewis Avenue
Tulsa, OK 74136-5244

Stephen E. Coran, Esq.
David G. O'Neil, Esq.
Mary A. Dent, Esq.
Rini, Coran & Lancellotta
1350 Connecticut Avenue, N.W., Suite 900
Washington, DC 20036

Henry Goldberg, Esq.
Joseph A. Godles, Esq.
Mary A. Dent, Esq.
Goldberg, Godles, Wiener & Wright
1229 Nineteenth Street, N.W.
Washington, DC 20036

James W. Cuminale
Senior Vice President,
General Counsel and Secretary
Panamsat Corporation
One Pickwick Plaza
Greenwich, CT 06830

Stephen E. Coran, Esq.
Rini, Coran & Lancellotta
1350 Connecticut Avenue, NW, Suite 900
Washington, DC 20036

David M. Drucker
KaStarcom. World Satellite, LLC
P.O. Box 1471
Evergreen, CO 80439

Tara K. Giunta, Esq.
Coudert Brothers
1627 Eye Street, NW, 12th Floor
Washington, DC 20006

Ray Kennedy
Pacific Century Group, Inc.
P.O. Box 2804
Huntlaw Bldg., Fort Street
George Town, Grand Cayman
Cayman Islands, B.W.I.

Peter A. Rohrbach, Esq.
Yaron Dori, Esq.
Hogan & Hartson L.L.P.
555 Thirteenth Street, NW
Washington, DC 20004

Philip V. Otero
Vice President and General Counsel
GE American Communications, Inc.
Four Research Way
Princeton, NJ 08540


Elinor W. McCormick